



MEMO ENDORSED

U.S. Department of Justice

*United States Attorney
Southern District of New York*

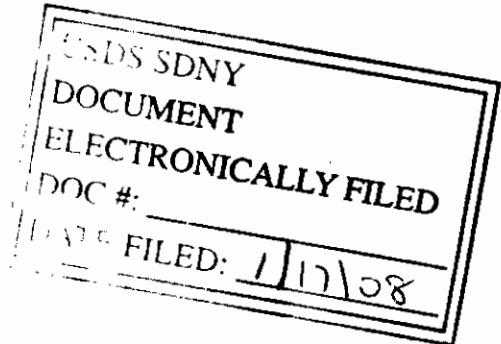
*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 18, 2008

By Hand

Honorable Richard J. Sullivan
United States District Judge
500 Pearl Street, Room 615
New York, N.Y. 10007

Re: United States v. Jose Mendoza et al.,
S2 07 Cr. 756 (RJS)



Dear Judge Sullivan:

The Government has received the January 15, 2008 letter and proposed order submitted by counsel relative to the medical treatment of incarcerated defendant Cesar Estevez.

As the Government has advised defense counsel, Mr. Estevez's right knee was examined by a physician at the MCC clinic on January 16, 2008. At that time, the treating physician was not able to X-ray Mr. Estevez's knee, but examined the knee and issued a knee brace to Mr. Estevez. It is the Government's understanding that once the doctor has reviewed an X-ray report for Mr. Estevez, which he expects to do in approximately one week's time, he will make an assessment as to whether to provide a referral to an outside orthopedic surgeon.

Accordingly, the Government respectfully proposes, with the consent of defense counsel, that the Court set a hearing date in approximately two weeks' time. The Government will advise the Bureau of Prisons of the hearing date, so that the BOP may send a representative. Should Mr. Estevez receive a referral to an orthopedic surgeon prior to the hearing, the parties agree that no hearing is needed, and will immediately advise the Court if such a referral is made.

*As requested, the
hearing will take place
on Feb. 1, 2008 at 11:30 a.m.*

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: *R. Lee*
Rua M. Kelly/Marshall A. Camp
Assistant United States Attorneys
Tel: (212) 637-2471/1035

*SO ORDERED
Date: 1/17/08*

*RICHARD J. SULLIVAN
U.S.D.J.*

cc: Ellyn I. Bank, Esq. (By fax)

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January 15, 2008

Via fax: (212) 805-7946

Honorable Richard J. Sullivan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY, 10007

Re: US v. Mendosa, 07 Cr 756

Dear Judge Sullivan:

I represent the defendant, Cesar Estevez with respect to the above captioned case. I write to inform Your Honor of the medical treatment he has received thus far from the Bureau of Prisons and to respectfully request either outside medical treatment from an orthopedic specialist or a hearing as to the reasonableness of the medical treatment administered by the MCC Medical department.

I have spoken with AUSA Rua Kelly and AUSA Marshall Camp with respect to the medical treatment Mr. Estevez has been receiving from the MCC. They have in turn spoken with the MCC legal department. According to them, Mr. Estevez has only seen the in-house physician on three occasions since his arrest on August 16, 2007. He has had x-rays taken on two occasions and has received no other medical treatment. The doctor at MCC believes Mr. Estevez does not need to see an orthopedic specialist.

In order to ensure that Mr. Estevez does not suffer any permanent disability as a result of this injury, I believe he needs to see an outside orthopedist for additional X-rays, physical therapy evaluation, and orthopedic care.

The reason that I believe Mr. Estevez needs outside medical treatment is because his leg was broken in ten places when he was hit by a car on May 5, 2007. This required emergency surgery (where pins were placed in his leg) and he was hospitalized for six days. After he left the hospital in May 2007, Mr. Estevez was required to visit his doctor every two weeks to monitor his leg to ensure that it was healing properly. He still cannot walk without crutches and his leg is still causing him pain.

Accordingly, I respectfully request either a Court Order directing that Mr. Estevez be taken to an outside orthopedic specialist to receive the necessary medical attention or a hearing as to the reasonableness of the medical treatment administered by the MCC medical department.

I thank you for your time and attention with this matter.

Respectfully:



Ellyn I. Bank, Esq.
Attorney for Cesar Estevez

cc: AUSA Rua Kelly (via fax: 212-637-1035) ⁰⁰⁸⁶